IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 14667 of 2006(Y)

PETITIONER:

THE SECRETARY,
VYAPARI VYAVASAYI EKOPANA SAMITHI,
THALIPARAMBA, KANNUR.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.P.K.BEENA

RESPONDENTS:

---

1. O.RANJINI, D/O. KARUNAKARAN,
NALLERI HOUSE, NEAR KAVITHA TEATRE.

2. THE STATE OF KERALA, REP. BY
THE GOVERNMENT PLEADER OF THE HONOURABLE
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SMT.O.RANJINI (PARTY-IN-PERSON)
GOVT. PLEADER SMT. T.P. RAMANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO. 14667 OF 2006 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: The true copy of the complaint dated 12-3-2003

Ext.P2: The true copy of version dated 2-7-2003

Ext.P3: The true copy of order in O.P 88/2003 LDRF Kannur dated 10-2-2006

Ext.P4: The true copy of the appeal dated 17-4-2006

RESPONDENT'S EXHIBITS

Ext.R1 : A true copy of the C.C of judgment in Appeal Suit No. A.S. 97/2003 in District Judge, Thalassery dated 26-6-2006

//True copy//

es

S. SIRI JAGAN, J.

WP(C) NO. 14667 OF 2006 - U

Dated this the 1st day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P3 order of the Consumer Disputes Redressal Forum. The first respondent appears in person and contends that the remedy of the petitioner against Ext.P3 is to file an appeal before the State Consumer Disputes Redressal Commission as provided in the Consumer Protection Act. Learned counsel for the petitioner submits that for filing an appeal, he has to pay a portion of the amount directed to be paid and therefore, the petitioner has challenged Section 15 of the Act also and therefore, this writ petition is maintainable.

2. I do not find any merit in the challenge against Section 15. In fact, in very many other legilslations, similar provisions are there and it is for the purpose of protecting the weaker section of the society or to protect the revenue, that such provisions are incorporated in the legislation. I do not find anything arbitrary or unconstitutional in Section 15 of the Consumer Protection Act. Having decided on that question, it goes without saying that the remedy available to the petitioner

against Ext.P3 is to file an appeal before the State Consumer Disputes Redressal Commission.

Without prejudice to such right, the writ petition is dismissed. The first respondent presses for cost also. I am not inclined to impose any cost.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007